

COMBAT ARMS EARPLUGS SETTLEMENT PROGRAM

NOTICE OF EXPEDITED PAYMENT PROGRAM AWARD DETERMINATION

DATE OF NOTICE: 5/30/2024

DEADLINE TO REQUEST RECONSIDERATION: 7/1/2024

This is an official Notice from the Settlement Administrator for the Combat Arms Earplugs Settlement Program. This Notice explains your Expedited Payment Program ("EPP") Settlement Award determination, how your Settlement Award amount was calculated, and the next steps required to receive your Settlement Payment.

EPP payments are made according to a Claimant's FIFO Rank. Click [here](#) to see a chart that estimates when the Settlement Program can pay all EPP awards based on FIFO Ranks and the timing of the Defendants' payment obligations. The FIFO Group and Earliest Payment Date shown below are estimates only, based on currently available information. Both could change over time because of Reconsideration reviews and other events. As a result, they are not guaranteed.

Read this Notice carefully. You cannot receive your Settlement Payment until you take the steps listed in Section IV of this Notice and sign it in Section VII.

I. CLAIMANT INFORMATION

Name	Last	First	Middle
	Davenport	Kristina	LaShaun
Primary Counsel		Thomas J Henry	
Claimant ID	156671	Confirmed Service Dates	Start Date: 1/1/2005 End Date: 9/1/2021
FIFO Rank	89,980	FIFO Group	3
		Earliest Payment Date	7/15/2024

II. AWARD DETERMINATION

This table summarizes your Settlement Award Determination. See Attachment A for details about how your EPP Level was calculated and to see the Reference and Injury Audiograms used along with the calculated hearing shifts, and all Audiograms that were available for review in the file along with noted Tinnitus records and dates. Look at Attachment A carefully and review the Settlement Allocation Methodology criteria before submitting a Reconsideration request. For more details on the deductions in Rows 3, 4, and 5, see Section III of this Notice.

	CATEGORY	DETERMINATION
1.	EPP Level (see Attachment A, Section I)	Level 3A
2.	Minimum Guaranteed Gross Payment Amount Before Deductions	\$10,000.00
3.	Common Benefit Fund Deduction (see Section III.A)	\$900.00
4.	Total of Your CAE Counsel Attorney's Fees and Expenses (see Section III.B)	\$4,354.50
5.	Withholding Required for Potential Liens (see Section III.C)	\$17.58
6.	Net Settlement Award	\$4,727.92



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III. DEDUCTIONS FROM SETTLEMENT AWARD

A. Deduction for Common Benefit Fund

As explained in Section 15.2 of the Master Settlement Agreement I, work performed and expenses incurred for the benefit of all CAE Claimants will be paid from the Common Benefit Fund. On September 19, 2023, the Court ordered 9% of every Settlement Award be set aside in the Common Benefit Fund.

B. Deductions for Attorney's Fees and Expenses

Your Primary Counsel has reported to us on all the attorney's fees and expenses due under applicable contracts (between you and your attorneys(s)) to all counsel with an interest in your claim for representing you in the Combat Arms Earplugs Litigation and Settlement, which are deducted from your Settlement Award. The Settlement Administrator is not responsible or liable for the accuracy or reasonableness of your CAE Counsel's fees and expenses. Contact your Primary Counsel if you have questions about anything in this table or want more details on the fees or costs.

1.	Contingency Fee Contract Rate	42.5%
2.	Resulting Attorney's Fees	\$3,867.50
3.	Total Expenses	\$487.00
4.	Total Deductions for Attorney's Fees and Expenses	\$4,354.50

C. Deductions for Lien Payments or Withholdings

We are required by Section 14.1 of the Master Settlement Agreement to resolve Healthcare Liens, including Medicare (Part A and B) and Claimant self-reported Medicaid, TRICARE, CHAMPVA, and Indian Health Services. We must deduct what is needed to pay resolved repayment amounts or hold back a reserve amount for Lien obligations that are not yet determined or finalized. The reserve amount for unresolved Medicaid, CHAMPVA and Indian Health Services Lien obligations will be 25% of the Total Gross Payment Amount Before Deductions shown in Section II. The Medicare reserve amount is \$17.58, and the TRICARE reserve amount is \$500 except for EPP Level 1 claims, where the TRICARE holdback is \$25. Any reserve amount held back from your Settlement Payment will be used to pay the Lien after it has been finalized and any excess will be paid to you then. All Claimants are responsible for resolving any reimbursement obligations to private or commercial healthcare insurers, including Medicare Part C.

Potential Lienholder(s)	Total Withholding Required for Potential Liens
Medicare	\$17.58

IV. HOW TO RECEIVE PAYMENT

Before we can issue your Settlement Payment, you have to sign this form in Section VII, return it, and we have to know how you would like to get paid your Net Settlement Award. You may elect to receive your payment by ACH for a direct deposit to your bank account, or that we mail a check to you. Depending on the amount of your Net Settlement Award, you may also have the option to receive a digital payment through Venmo, PayPal or Virtual Mastercard. You can select your payment method and certify your acceptance of payment by logging into your Portal account at www.CombatArmsSettlement.com, and following the instructions provided.

V. REQUEST FOR RECONSIDERATION

1. Reconsideration cannot be used solely to ask for a higher Award. You can make a Request for Reconsideration to ask the Allocation Special Master to reconsider your claim and information already on file in the Program only if you believe the Settlement Program has: (a) made a clerical error; (b) misapplied or misinterpreted the dates of use or dates of service; or (c) selected the wrong audiogram within a cluster of audiograms.
2. No additional documents may be submitted on a Request for Reconsideration. Nothing can be added to the record now.



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3. Deductions or withholdings for Liens, the Common Benefit Fund, or attorney's fees and costs are not eligible for Reconsideration.
4. If this Notice awards EPP Level 5, then there is no basis for a Request for Reconsideration asking for a higher Level. Any such request will be denied without further review.
5. If this Notice awards the EPP Level you previously requested, then there is no basis for a Request for Reconsideration asking for a higher Level. Any such request will be denied without further review.
6. After Reconsideration, the Settlement Award shown in this Notice may increase, decrease, or remain the same, in the Allocation Special Master's sole discretion, and that decision will be final.

If You Do Not Intend to Request Reconsideration: You can click the **Accept** button on your portal to tell us you agree and will not make a Request for Reconsideration, which will speed up your payment. Or, you can just let the deadline pass without making a Request for Reconsideration.

If You Intend to Request Reconsideration: You must request Reconsideration by the deadline at the top of this Notice, which is 30 days from the date of this Notice. If you do not request Reconsideration by that deadline, the Award Determination shown in this Notice is your final Award Determination. You can make Request for Reconsideration on your Portal. Follow the instructions provided there.

VI. IF YOU NEED MORE INFORMATION

If you have questions about this Notice or would like additional information, contact your Primary Counsel. You also may visit the website www.CombatArmsSettlement.com or contact us using one these methods:

Phone	Mail	Email
(833) 458-2700	Combat Arms Earplugs Settlement Program Settlement Administrator P.O. Box 27192 Richmond, VA 23261	SettlementAdministrator@combatarmssettlement.com

VII. SIGNATURE AND CERTIFICATION

By signing this Notice, I declare under penalty of perjury subject to 28 U.S.C § 1746, that: (1) if I filed a Bankruptcy case after the date of the audiogram showing my injury or currently have an open Bankruptcy case, I or my Primary Counsel have included the details of the Bankruptcy case on my Registration Form or have otherwise directly informed the Settlement Administrator of the details of the Bankruptcy case; (2) I will resolve any reimbursement obligations to private or commercial healthcare insurers, including Medicare Part C; (3) I will pay any governmental Healthcare Lien obligation that exceeds the Reserve Amount(s) held back to pay Healthcare Liens; and (4) I am entitled to receive the Settlement Award described in this Notice.

Signature:		Date:	
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ATTACHMENT A: EPP LEVEL DETERMINATION DETAILS

I. YOUR EPP LEVEL DETERMINATION

Your Registration Form and/or documentation indicated that you have tinnitus and you provided contemporaneous, documentary proof of your condition, but the records do not establish that you have Mild or greater Hearing Loss. Based on this information, you are eligible for a **Level 3 – Recorded Tinnitus** EPP Settlement Payment, for a Gross Payment Amount of \$10,000. That Gross Payment Amount is before deductions for the Common Benefit Fund 9%, attorney's fees and costs, and any holdbacks for potential liens. Talk with your attorney if you have questions about any deductions from your Settlement Payment.

Available Audiogram Dates for Analysis:

01/28/2005,03/10/2007,04/14/2007
06/06/2009,09/25/2010,09/13/2011
01/13/2013

Recorded Tinnitus Dates Analyzed:

06/01/2008,06/13/2008,03/26/2019

II. EXPLANATION OF THE ALLOCATION METHODOLOGY FOR EXPEDITED PAY LEVELS AND AMOUNTS

The amount of each payment is determined by the EPP Level that the Allocation Special Master assigns to the claim, based on the information that the Claimant provided during Registration. Claimants in the EPP are placed in one (and only one) of the five levels shown below:

Category	Name	Minimum Guaranteed Gross Payment	Criteria
Level 1	Non-U.S. Citizens	\$100	Claimants who did not serve in the U.S. Military and are not U.S. Citizens.
Level 2	Tinnitus Only	\$5,000	Claimants who have Tinnitus, but did not provide contemporaneous records to corroborate or confirm the condition, and who do not have Slight or greater Hearing Loss.
Level 3A	Recorded Tinnitus	\$10,000	Claimants who provided contemporaneous records of Tinnitus, but did not provide evidence of Mild or greater Hearing Loss.
Level 3B	Slight Hearing Loss	\$10,000	Claimants who have evidence establishing Slight Hearing Loss.
Level 4	Mild Hearing Loss	\$16,000	Claimants who have evidence establishing Mild Hearing Loss.
Level 5	Moderate or Greater Hearing Loss	\$24,000	Claimants who have evidence establishing Moderate or greater Hearing Loss.



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A. How to Establish Recorded Tinnitus

Claimants must submit evidence that they were either diagnosed with tinnitus, or sought treatment for tinnitus or the symptoms of tinnitus, at any time between their first use of the Combat Arms v2 Earplugs to within two years of discharge from the military; or for non-military Claimants, within two years of the date they last used the Combat Arms v2 Earplugs, as stated on the Registration Form. Records of tinnitus include documentation establishing: (1) a diagnosis of tinnitus, (2) that the Claimant sought treatment for tinnitus, (3) that tinnitus was contemporaneously recorded in the ordinary course of a healthcare encounter, or (4) tinnitus was recorded in a disability rating.

B. How to Establish Hearing Loss

Claimants must submit at least two audiograms: (1) a Reference Audiogram, and (2) an Injury Audiogram. If the Claimant submits more than two audiograms, the Settlement Administrator will select the Reference and Injury Audiogram that reflect the greatest increase in Impairment Score for the Claimant, subject to the constraints listed below.

In an audiogram, a Claimant's hearing is tested at each of the Testing Frequencies and assigned an Impairment Score. The higher the Impairment Score the more that a Claimant's hearing is impaired.

1. The **Reference Audiogram** is the first audiogram after January 1, 2000.
 - (a). If a Claimant started in the military before 2000, the closest audiogram to 2000 will be the Reference Audiogram.
 - (b). If a Claimant started in the military after 2000, the closest audiogram to the beginning date of service will be the Reference Audiogram.
 - (c). If a Claimant was a civilian during earplug use, the closest audiogram to 2000 will be the Reference Audiogram.
2. The **Injury Audiogram** for military Claimants is the audiogram with the latest date that is dated at least six months after the Reference Audiogram, and no more than one year after the end of service; and, for civilian Claimants, it is the closest to the reported last date of usage of Combat Arms v2 Earplugs, but must be before April 1, 2019.

For the purposes of EPP Payment determinations, a Claimant has Hearing Loss if, when comparing the Reference Audiogram and the Injury Audiogram, the Claimant's Impairment Score is higher in the Injury Audiogram at any one of these Testing Frequencies, 2,000, 3,000, 4,000 and 6,000 hertz, and meets the criteria below:

1.	Slight Hearing Loss	The Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 15 decibels at one or more of the Testing Frequencies.
2.	Mild Hearing Loss	The Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased at least 20, but not more than 35 decibels, at one or more of the Testing Frequencies.
3.	Moderate Hearing Loss	The Claimant's Reference and Injury Audiogram establish that the Claimant's Impairment Score has increased 40 or more decibels at one or more of the Testing Frequencies.

